

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KUNIHIKO KANNO, derivatively on behalf of
MEDICAL PROPERTIES TRUST, INC.,

Plaintiff,

v.

EDWARD K. ALDAG, JR., J. KEVIN
HANNA, R. STEVEN HAMNER, G. STEVEN
DAWSON, CATERINA A. MOZINGO,
EMILY W. MURPHY, ELIZABETH N.
PITMAN, D. PAUL SPARKS, JR., MICHAEL
G. STEWART, and C. REYNOLDS
THOMPSON, III,

Defendants,

and

MEDICAL PROPERTIES TRUST, INC.,

Nominal Defendant.

Case No. 1:23-cv-10934-VSB

**JOINT STIPULATION AND [PROPOSED] ORDER ACCEPTING SERVICE OF
COMPLAINT AND SETTING TIME TO RESPOND**

WHEREAS, on September 29, 2023, Plaintiff Christopher Armstrong individually and on behalf of all others similarly situated, filed a putative securities class action complaint against Defendants Medical Properties Trust, Inc. (“MPT”), Edward K. Aldag, Jr., R. Steven Hamner, and J. Kevin Hanna, *see Armstrong v. Medical Properties Trust, Inc. et al.*, 1:23-cv-08597-VSB, Dkt. No. 1 (S.D.N.Y. Sept. 29, 2023);

WHEREAS, on December 18, 2023, Plaintiff Kunihiko Kanno (“Plaintiff”), derivatively on behalf of Nominal Defendant MPT, filed a shareholder derivative action complaint (“Complaint”) against Defendants Aldag, Hamner, Hanna, G. Steven Dawson, Caterina A.

Mozingo, Emily W. Murphy, Elizabeth N. Pitman, D. Paul Sparks, Jr., Michael G. Stewart, and C. Reynolds Thompson, III (together with MPT, “Defendants,” and together with Plaintiff, the “Parties”), *see Kanno v. Aldag, Jr. et al.*, 23-cv-10934-VSB, Dkt. No. 1 (S.D.N.Y. Dec. 18, 2023);

WHEREAS, because the *Armstrong* and *Kanno* actions are related, involving the same or similar underlying facts and events, with an overlap of defendants, on December 28, 2023, the *Kanno* action was re-assigned to this Court, and both the *Kanno* and *Armstrong* actions remain pending, *see Kanno*, 23-cv-10934-VSB, Dkt. No. 3 (S.D.N.Y. Dec. 18, 2023) (Statement of Relatedness);

WHEREAS, Defendants have not yet been served in this matter, and no response to the Complaint is currently due; and

WHEREAS, no party has previously requested or received an extension of time to answer or otherwise respond to the Complaint in this matter.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, and subject to Court approval, that:

1. Undersigned counsel for Defendants are authorized to accept, and hereby do accept, service of the summons and the Complaint in this matter on behalf of their clients, without prejudice and without waiver of any of Defendants’ defenses, objections, or arguments, except as to sufficiency of service of process.

2. Defendants shall not be required to answer, move to dismiss, or otherwise respond to the Complaint until sixty days after the Court enters this stipulation.

3. Nothing herein shall be deemed to constitute a waiver of, and Defendants do not waive and expressly preserve, all arguments and defenses in the above-captioned action.

Dated: February 5, 2024

By: /s/ Timothy William Brown

Timothy William Brown
The Brown Law Firm, P.C.
767 Third Avenue, Suite 2501
New York, NY 10017
Telephone: (516) 922-5427
Fax: (516) 344-6204
tbrown@thebrownlawfirm.net

Attorney for Plaintiff

Dated: February 5, 2024

By: /s/ Nathaniel Cullerton

William D. Savitt
Sarah K. Eddy
Nathaniel D. Cullerton
WACHTELL, LIPTON, ROSEN & KATZ
51 West 52nd St.
New York, NY 10019
Telephone: (212) 403-1000
Facsimile: (212) 403-2000
wdsavitt@wlrk.com
skeddy@wlrk.com
ndcullerton@wlrk.com

Attorneys for Defendants

SO ORDERED this ____ day of _____, 2024.

Judge Vernon S. Broderick

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all attorneys of record.

Respectfully submitted,

/s/ Nathaniel Cullerton
Nathaniel Cullerton